

**BEFORE THE ARIZONA BOARD OF OSTEOPATHIC EXAMINERS**

**IN MEDICINE AND SURGERY**

IN THE MATTER OF:	)	Case No. 3249
	)	
NICHOLAS WILLIAM BARTZ, D.O.	)	<b>FINDINGS OF FACT</b>
Holder of License No. 2173 for the	)	<b>CONCLUSIONS OF LAW</b>
practice of osteopathic medicine in the	)	<b>AND ORDER OF REVOCATION</b>
State of Arizona.	)	
_____	)	

On October 2, 2003, the Arizona Board of Osteopathic Examiners in Medicine and Surgery (hereafter "Board") issued a Complaint and Notice of Hearing to Nicholas William Bartz, D.O. (hereinafter "Respondent"), to appear for an administrative hearing before the Board at 8:00 a.m., December 13, 2003, 9535 E. Doubletree Ranch Rd., Scottsdale AZ 85258. Respondent did not file an Answer to the Complaint and Notice of Hearing.

On December 13, 2003 the Board conducted the administrative hearing. Mr. Blair Driggs, Assistant Attorney General, appeared for the State of Arizona. Respondent did not appear at the hearing, nor was he represented by counsel.

After hearing testimony and considering the documents submitted, the Board voted to accept the following Findings of Fact and Conclusions of Law, and to enter the following Order:

**JURISDICTIONAL STATEMENTS**

1. The Board is empowered, pursuant to A.R.S. § 32-1800, *et seq.* to regulate the licensing and practice of osteopathic medicine in the State of Arizona.
2. Respondent is a licensee of the Board and the holder of License No. 2173 for the practice of osteopathic medicine in the State of Arizona.

**FINDINGS OF FACT**

3. On or about November 12, 1999, in the 30<sup>th</sup> Judicial Circuit Court of Ingham County,

Michigan, Respondent was found guilty and convicted of three felony counts of Medicaid fraud-false claims in Case No. 96-69902-FH. These convictions were based on allegations that the Respondent filed false claims for osteopathic manipulation procedures that were never provided.

4. On or about February 3, 2000 the Board received Respondent's application for renewal of license in which Respondent had responded "no" to the following question:

Have you since your initial application and/or last renewal been arrested, pled guilty to or no contest to or been convicted of a felony or a misdemeanor involving moral turpitude?

5. On or about February 28, 2000, the State of Michigan, Department of Consumer & Industry Services, Board of Osteopathic Medicine and Surgery summarily suspended Respondent's license to practice in that state.

6. On or about September 16, 2000, the State of Michigan, Department of Consumer & Industry Services, Board of Osteopathic Medicine and Surgery revoked Respondent's license to practice in that state.

7. On or about April 16, 2001, as a resolution of case number 2809, the Board suspended Respondent's license pending Respondent's appeal of the felony conviction, and required that Respondent to inform the Board of the outcome of that appeal.

8. On July 8, 2003, having received no information from Respondent as to the outcome of the appeal, the Board requested such information and set the matter for discussion at their July 26, 2003 meeting. Respondent did not respond to the Board's request for information, nor did he attend the Board's July 26, 2003 or September 13, 2003 meetings to present information.

#### **CONCLUSIONS OF LAW**

9. The conduct described in paragraph 3 constitutes unprofessional conduct as defined at A.R.S. § 32-1854 (2) "Committing a felony, whether or not involving moral turpitude, or a

misdeemeanor involving moral turpitude. In either case conviction by any court of competent jurisdiction is conclusive evidence of the commission."

10. The conduct described in paragraphs 3 and 4 constitutes unprofessional conduct as defined at A.R.S. § 32-1854 (15) "Knowingly making any false or fraudulent statement, written or oral, in connection with the practice of medicine, except as the same may be necessary for accepted therapeutic purposes."

11. The conduct described in paragraph 5 and 6 constitutes unprofessional conduct as defined at A.R.S. § 32-1854 (18) "The refusal, revocation or suspension of a license by any other state, territory, district or country, unless it can be shown that this occurred for reasons that did not relate to the person's ability to safely and skillfully practice osteopathic medicine or to any act of unprofessional conduct as provided in this section."

#### **ORDER**

Pursuant to the authority vested in the Board, **IT IS HEREBY ORDERED THAT:**

License number 2173, previously issued to Nicholas W. Bartz, D.O. ("Respondent") is **REVOKED.**

Effective this 23<sup>rd</sup> day of December, 2003

ARIZONA BOARD OF OSTEOPATHIC EXAMINERS  
IN MEDICINE AND SURGERY

By: Elaine LeTarte  
Elaine LeTarte, Executive Director  
9535 E. Doubletree Ranch Rd.  
Scottsdale AZ 85258-5539  
(602) 657-7703

Notice of Request For Rehearing:

You have the right to request a rehearing or review of this matter pursuant to A.R.S. § 41-1092.90. The request for rehearing or review must be filed with the Arizona Board of Osteopathic Examiners in Medicine and Surgery within thirty (30) days. If you request a rehearing, you must specify in detail and with particularity at least one of the seven grounds that apply to your request for rehearing or review, as mandated by A.A.C. R4-22-106(C). A request for rehearing or review shall be a pre-requisite to exhaust your administrative remedies pursuant to A.R.S. § 41-1092.09.

Copy mailed by U.S. certified mail,  
(return receipt requested) this 23<sup>rd</sup> day of December 2003 to:

Nicholas W. Bartz, D.O.  
8912 E Pinnacle Peak Rd, # 430  
Scottsdale, AZ 85255

Copy mailed this 23<sup>rd</sup> day of  
December 2003 to:

Blair Driggs, Asst Attorney General  
CIV/LES  
1275 W. Washington  
Phoenix AZ 85007

Celina Shepherd